

dated June 23, 1992. Said "report" was considered by the Appeals Board in this decision.

STIPULATIONS

The stipulations of the parties as specifically set forth in the Award of the Special Administrative Law Judge are herein adopted by the Appeals Board.

ISSUES

- (1) Whether the claimant suffered personal injury by accident arising out of and in the course of her employment with the respondent on October 26, 1992.
- (2) The nature and extent of the claimant's disability, if any.
- (3) Whether the Kansas Workers Compensation Fund is entitled to a credit pursuant to K.S.A. 44-510a.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the whole evidentiary record filed herein, and in addition the stipulations of the parties, the Appeals Board makes the following findings of fact and conclusions of law:

The Special Administrative Law Judge awarded claimant an eighteen percent (18%) functional impairment as a result of injuries suffered while employed with respondent on October 26, 1992. The Appeals Board in reviewing the findings and conclusions of the Special Administrative Law Judge finds they accurately set out both the facts and the prevailing law in this matter and the Appeals Board adopts said findings and conclusions as its own in awarding claimant an eighteen percent (18%) functional impairment. In reviewing the evidence the Appeals Board finds claimant has proven by a preponderance of the credible evidence that she suffered an eighteen percent (18%) functional impairment from a work-related injury occurring on October 26, 1992 but failed to prove additional work disability.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of Special Administrative Law Judge William F. Morrissey dated December 8, 1994 shall be and is affirmed in toto and that claimant, Emma J. Smith, is awarded compensation against the respondent, Catholic Care Center and its insurance carrier, Kansas Association of Homes for the Aging Insurance Group, Inc. and the Kansas Workers Compensation Fund for an accidental injury arising out of and in the course of claimant's employment and occurring on October 26, 1992, based upon an average weekly wage of \$263.13, for 51.29 weeks of temporary total disability compensation at the rate of \$175.43 per week in the sum of \$8,997.80 followed thereafter by 316.57 weeks of permanent partial disability compensation at the reduced rate of \$3.86 per week in the sum of \$1,221.96 followed thereafter by 47.14 weeks of permanent partial disability compensation at the unreduced rate of \$31.57 per week in the sum of \$1,488.21 for an eighteen percent (18%) permanent partial general body impairment of function resulting in a total award of \$11,707.97.

As of December 8, 1994, there is due and owing claimant 51.29 weeks of temporary total disability compensation at the rate of \$175.43 totalling \$8,997.80 followed by 158.57 weeks permanent partial disability compensation at the rate of \$3.86 per week in the sum of \$612.08 making a total due and owing of \$9,609.88 less compensation heretofore paid.

Said amount will be followed by 158 weeks of permanent partial disability compensation to be paid at the reduced rate of \$3.86 per week totalling \$609.88 followed by the remaining 47.14 weeks permanent partial compensation to be paid at the unreduced rate of \$31.57 per week until fully paid or until further order of the Director.

Future medical shall be awarded upon the proper application to and approval by the Director.

Unauthorized medical of up to \$350.00 is ordered paid to or on behalf of the claimant upon presentation of an itemized statement verifying same.

The claimant's attorney fee contract is hereby approved insofar as it is in concert with K.S.A. 44-536.

Per the parties' agreement, all compensation, medical expenses and costs are to be borne twenty percent (20%) by the respondent and eighty percent (80%) by the Kansas Workers Compensation Fund with the Kansas Workers Compensation Fund reimbursing respondent for eighty percent (80%) of any costs heretofore paid by respondent. Fees are to be paid direct as follows:

The fees necessary to defray the expenses of the administration of the workers compensation act are hereby assessed against the respondent and the insurance carrier and the Kansas Workers Compensation Fund to be paid directly as follows:

William F. Morrissey Special Administrative Law Judge	\$150.00
Deposition Services Transcript of Regular Hearing	\$262.90

Court Reporting Service Deposition of Karen Crist Terrill	\$146.00
Barbara J. Terrell & Associates Deposition of Lawrence R. Blaty, M.D.	\$121.50
Ireland Court Reporting Deposition of Jerry D. Hardin	\$319.00

IT IS SO ORDERED.

Dated this ____ day of March, 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Dale V. Slape, Wichita, Kansas
Jeffrey A. Chanay, Topeka, Kansas
Cortland Q. Clotfelter, Wichita, Kansas
William F. Morrissey, Special Administrative Law Judge
George Gomez, Director
TO CLOSE FILE AT TIME OF SIGNATURE OF ORDER

Take file apart

1. Coding sheet: unattached in bottom of redrope
2. Depositions: oldest to newest top to bottom
3. Judge's file
4. Working file
 - Anything copied on green sheets
 - Drafts of opinions
 - Notes from hearings
 - Case summaries
 - Copies of awards, orders etc.
5. Director's file
 - Briefs
 - Notice of appeal
 - Orders
 - Submission letters

6. Anything extra left after all of the above probably goes with the judge's file
7. Rubber band the judges's file and the depositions together and put in redrope on top of the coding sheet
8. Put director's file on top of judge's file and depositions
9. Put working file on top of director's file
10. Give to Jan for final proof
11. When proofed and ready for signature put signature page on top and take with the file and put on conference room table for signature. Check later in day to follow-up that it's been signed. Prod board members to get signed on same day it is finalized.
12. After it is signed: Fill in date. If it won't make today's mail date it tomorrow. Make 3 extra copies in addition to the amount needed for carbon copies shown.

Original: File stamp, punch and put on top of Director's file

Carbon copies: Attorneys: make envelope labels from addresses on macros file
Director: in mailbox by front door
3 extra copies:
1 in working file
1 to Mary Allen - put a yellow sticky with her name on it and put in mailbox
1 on top of working file with rubber band on it and take to Jan

After Jan has done whatever she does with it, send remainder of the file in the mail

If the judge is to get his file back:

Pull his file out and put his copy of the order and send in mail